

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

DARRELL LEE BAILEY, SR.,)	Civil Action No. 3:11-980-HMH-JRM
)	
Plaintiff,)	
)	
-VS-)	
)	REPORT AND RECOMMENDATION
OFFICER B. RAST, Richland County Sheriff's)	
Department,)	
)	
Defendant.)	
_____)	

This action has been filed by the Plaintiff, *pro se*, pursuant to 42 U.S.C. § 1983. Plaintiff, who at the time this action was filed, was a pretrial detainee at the Alvin S. Glenn Detention Center, alleges violations of his constitutional rights by the named Defendant.

On May 9, 2011, the Court issued an order authorizing service of process of Plaintiff's complaint. The order was mailed to the Plaintiff at the address provided by the Plaintiff at the time of the filing of the complaint. However, this mailing to the Plaintiff was returned to the Court marked "No Longer at this Address, Return to Sender." Plaintiff has failed to provide the Court with a current mailing address, and as a result neither the Court nor the Defendant have any means of contacting him concerning his case.

Based on the foregoing, it is recommended that this action be **dismissed, with prejudice**, for failure to prosecute in accordance with Rule 41(b), Fed.R.Civ.P. The Clerk is directed to send this

Report and Recommendation to Plaintiff at his last known address.

If the Plaintiff notifies the Court within the time set forth for filing objections to this Report and Recommendation that he wishes to continue with this case and provides a current address, the Clerk is directed to vacate this Report and Recommendation and return this file to the undersigned for further handling. If, however, no objections are filed, the Clerk shall forward this Report and Recommendation to the District Judge for disposition.



Joseph R. McCrorey
United States Magistrate Judge

Columbia, South Carolina

June 14, 2011

The parties are referred to the Notice Page attached hereto.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).